



# THE ATTORNEY GENERAL OF TEXAS

Gerald C. Mann

AUSTIN 11, TEXAS

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ATTORNEY GENERAL

Department of Agriculture  
Austin, Texas

Opinion No. 0-5350  
Re: Effective date of Senate  
Bill No. 159, Acts of the  
48th Legislature

Attention:  
Hon. W. S. Bussey, Chief  
Weights and Measures  
Division

Dear Sir:

You have recently requested the opinion of this department as to the effective date of Senate Bill No. 159, Acts of the 48th Legislature.

The Journals of both Houses, which we have examined, reflect that said bill was passed by the Senate on May 5, 1943, by vote of 13 yeas to 0 nays. It was passed by the House on May 6, 1943, by a vote of 132 yeas to 1 nay. The bill carried an emergency clause. It was filed in the office of the Secretary of State on May 18, 1943, without the Governor's signature, the Legislature having previously adjourned on May 11, 1943. Although the bill was filed in the office of the Secretary of State, the Governor filed no objection to the bill.

Section 14 of Article IV provides:

"If any bill shall not be returned by the Governor with his objections within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it unless the legislature, by its adjournment, prevent its return, in which case it shall be a law unless he shall file the same with his objections in the office of the Secretary of State and give notice thereof by public proclamation within twenty days after such adjournment."

Since the bill contained an emergency clause and received the required two-thirds majority vote of both Houses on final passage in order to render the same effective as an emergency measure, and since the Governor failed to "file the same with his objections in the office of Secretary of State", it is the opinion of this department that the same became effective as

Department of Agriculture, page 2 (0-5350)

an emergency measure on May 18, 1943, the day the same was filed in the office of the Secretary of State without the Governor's objections.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By /s/ E. G. Pharr  
E. G. Pharr, Assistant

EGP:ff:wb

APPROVED JUN 21, 1943  
/s/ Gerald C. Mann  
ATTORNEY GENERAL OF TEXAS

APPROVED: OPINION COMMITTEE  
BY: BWB, CHAIRMAN